

Complaint

IN THE MATTER OF

LOUIS A. TUVIN AND CARL BYOIR, PARTNERS TRADING AS COLLOIDAL CHEMISTS

COMPLAINT AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5
OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 1691. Complaint, Aug. 31, 1929. Order, Apr. 6, 1931

Consent order requiring respondents to desist from misrepresenting results of, and endorsements accorded, their pretended fat reducing preparation "Viaderma," as in said order set forth.

Mr. Edward L. Smith for the Commission.

COMPLAINT

Acting in the public interest, pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," the Federal Trade Commission charges that Louis A. Tuvin, and Carl Byoir, partners trading as Colloidal Chemists and hereinafter referred to as respondents have been and are using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of said act, and states its charges in that respect, as follows:

PARAGRAPH 1. Respondents are a partnership located in the City of New York, trading under the name of Colloidal Chemists and engaged in the manufacture in New York City and in the sale between and among the various States and Territories of the United States and the District of Columbia of a certain preparation or compound, which they call Viaderma, and which they falsely claim and represent is useful and effective in dissolving and removing excess flesh from the human body. Respondents ship the said product when sold, to purchasers thereof located in various States other than the State of New York and located in the Territories of the United States and the District of Columbia. In the course and conduct of their business, respondents are in competition with other persons, partnerships and corporations engaged in offering for sale and in selling in interstate commerce, printed professional advice, books of information and instruction and other methods and means and certain remedies and appliances for dissolving or otherwise removing flesh from the human body.

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PAR. 2. In soliciting sales for their said product, respondents advertise in a large number of newspapers, magazines and periodicals of general circulation in the United States and in the several States thereof, which said advertisements contain an illustration or depiction of a woman being fitted for garments by a saleswoman, who is depicted as stating: "Except for your hips you could wear a size smaller" and which said advertisements contain, in addition, the following statements:

No Medicines. No Starvation Diet No Dangerous Exercise Reduce Where You Want to Reduce

Discovery of infiltrating oxygen reducing cream—quickly and safely banishes double chins, and slenderizes big hips, fat waists, legs and arms.

Any woman or man who wants to take off fat on any part of the body can now do so quickly and safely. There is no question about this. It is a proved fact.

The discovery of oxygen reducing cream was purely accidental. A great New York doctor asked three of the ablest Colloidal Chemists in New York to try to find a remedy for chronic skin troubles. (Colloidal chemistry is one of the latest developments in chemical science.) These Colloidal Chemists prepared an infiltrating cream which would liberate oxygen when absorbed through the skin. They discovered that whenever the part to be treated was fat, this excess weight quickly disappeared. Reducing tests were then made on fat people with amazing results. One woman reduced her neck one inch in a few treatments; another two inches. Still another took off twenty-nine pounds in six weeks. Equally successful results were had in reducing fat waists, arms, legs, and big hips. So safe is Viaderma, as it is called, that it has the approval of chemists and physicians who oppose all other methods of quick fat reduction.

Viaderma is a golden brown cream, which is rubbed rapidly on the skin. You see the cream disappear at once, leaving a clean white foam on the skin surface. The penetrating cream carries oxygen to the fatty tissues and in a few days' time this oxygen gradually melts away the excess fat. You get definite results from a single jar which contains an 18 days' supply. Get full information at once. Mail coupon today.

PAR. 3. Said statements set out in the said advertisements mentioned in paragraph 2 hereof are false and misleading in that:

1. The use of Viaderma will not enable a person to reduce his or her weight.

2. The use of Viaderma will not enable a person to reduce or remove excess fat from any part of the body.

3. Viaderma is not an infiltrating oxygen reducing cream—quickly and safely banishing double chins and slenderizing big hips, fat waists, legs and arms.

4. Viaderma is not an infiltrating cream which will liberate oxygen when absorbed through the skin and excess weight does not disappear whenever the part of the body treated with Viaderma is fat.

5. Reducing tests were not made by the use of Viaderma on fat people with amazing results.

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6. A woman did not with the use of Viaderma reduce her neck one inch in a few treatments nor did another woman reduce her neck two inches, with the use of Viaderma.

7. No one took off with the use of Viaderma, 29 pounds of fat in six weeks.

8. Successful results were never secured by the use of Viaderma in reducing fat waists, arms, legs and big hips.

9. Viaderma does not have the approval of chemists and physicians who oppose all other methods of quick fat reduction.

10. Viaderma does not carry oxygen to the fatty tissues nor in a few days' time does oxygen from Viaderma gradually melt away the excess fat.

11. A user does not get definite results by way of weight reduction from a single jar of Viaderma, nor from any amount, however large or small, of Viaderma.

PAR. 4. In and throughout the several States of the United States are many persons who are seeking some safe and dependable means whereby they may quickly and permanently rid their bodies of excess fat or of portions of flesh which they now bear and of which they desire to be rid. Said statements and representations in said advertisements of respondents have the tendency and capacity to take business from respondents' said competitors and to mislead and deceive the purchasing public into the belief and to cause the ultimate consumer to purchase said Viaderma in the belief that said Viaderma, as such remedial agent for the reduction of excessive fat or flesh,

First: Is a scientifically accurate method of treatment;

Second: Is a safe, effective, and dependable remedy that may be used by any and all purchasers thereof without inconvenience or danger of harmful results to the physical health, and without medicine, diet or exercise.

The said acts and practices of the respondents are all to the prejudice of the public and of the competitors of respondents and constitute unfair methods of competition in commerce within the intent and meaning of section 5 of an act of Congress entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914.

ORDER TO CEASE AND DESIST

Pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," the Federal Trade Commission on the 31st day of August, 1929, is-

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sues its complaint against Louis A. Tuvin and Carl Byoir, partners trading as Colloidal Chemists, respondents herein, and caused the same to be served upon said respondents as required by law, in which complaint it is charged that said respondents have been and are using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of said act.

On January 23, 1931, the said respondents filed herein their written answer to said complaint, in which answer they and each of them expressly elected to refrain from making a defense to the complaint herein and consented that the Commission might make, enter and serve upon said respondents an order to cease and desist from the alleged violations of law set forth in the said complaint; and the Commission having accepted and considered such pleading, and being fully advised in the premises,

It is now ordered, That the respondents, Louis A. Tuvin and Carl Byoir, partners trading as Colloidal Chemists, and each of them, their agents, representatives, employees and successors, and the agents, representatives, employees and successors of each of them do forthwith cease and desist from doing directly or indirectly any or all of the following acts hereinafter designated and set forth, in connection with the offering for sale or in selling in interstate commerce or in the District of Columbia the preparation or compound dealt in by the said respondents and called by them Viaderma:

(1) Advertising, representing or stating that:

(a) The use of Viaderma will enable a person to reduce his or her weight.

(b) The use of Viaderma will enable a person to reduce or remove excess fat from any part of the body.

(c) Viaderma is an infiltrating oxygen reducing cream—that it will quickly and safely vanish double chins and slenderize big hips, fat waists, legs, and arms.

(d) Viaderma is an infiltrating cream which will liberate oxygen when absorbed through the skin and that excess weight disappears whenever the part of the body treated with Viaderma is fat.

(e) Reducing tests were made by the use of Viaderma on fat people with amazing results.

(f) A woman with the use of Viaderma reduced her neck 1 inch in a few treatments and/or that another woman reduced her neck 2 inches with the use of Viaderma.

(g) Anyone took off with the use of Viaderma 29 pounds of fat in six weeks, or within any other time.

(h) Successful results were secured by the use of Viaderma in reducing fat waists, arms, legs, and big hips.

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(i) Viaderma has the approval of chemists and physicians who oppose all other methods of quick fat reduction.

(j) Viaderma carries oxygen to the fatty tissues and that in a few days' time oxygen from Viaderma gradually melts away the excess fat.

(k) A user gets definite results by way of weight reduction from a single jar of Viaderma or from any amount however large or small of Viaderma.

(2) Making or publishing any other false or misleading representation or statement regarding said preparation or compound called by them Viaderma.

And it is hereby further ordered, That each of the said respondents within 60 days from and after the date of the service upon him of this order shall file with the Commission a report, in writing, setting forth in detail the manner and form in which he is complying with the order to cease and desist hereinabove set forth.

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IN THE MATTER OF
KROMO PLATE CORPORATION

COMPLAINT AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5
OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 1891. Complaint, Jan. 5, 1931—Order, Apr. 6, 1931

Consent order requiring respondent to desist from the use of the words chromium, chrome, chromo or any phonetic form thereof such as kromo, in labeling, advertisements, or representations in connection with sale of its compound, product, or plate to designate or describe the same, or the effect claimed to be produced thereby, and from instructing or advising agents or salesmen engaged in sale thereof to represent that use of compound or product on either certain automobile parts or other metal objects produces a chromium plate or other effect attributable to chromium, as in said order set forth and qualified.

Mr. Edward E. Reardon for the Commission.

Mr. William Thomas Jones and *Mr. Joseph L. Gould*, of New York City, for respondent.

COMPLAINT

Acting in the public interest, pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," the Federal Trade Commission charges that Kromo Plate Corporation, hereinafter referred to as respondent, has been and is using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of said act and states its charges in that respect as follows:

PARAGRAPH 1. Respondent, Kromo Plate Corporation, is a corporation organized and doing business under and by virtue of the laws of the State of New York, having its principal place of business in the City of New York, State of New York. It is now and for some months past has been engaged in the manufacture, sale and distribution in interstate commerce of a chemical compound in fluid form for producing a silver polish when applied to any metallic surface except iron or steel. Respondent causes its said product, when sold, to be shipped from its place of business in the State of New York to purchasers thereof in various other States of the United States. In the course and conduct of its business, respondent has been, during the period above named, in competition with other corporations,